



Express Mail No. EV 346 812 255 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jean SERVAUX

Confirmation No.: 1732

Application No.: 10/784,034

Group Art Unit: 3727

Filing Date: February 20, 2004

For: PACKAGING COMPRISING A
CONTAINER AND A MEMBRANE

Attorney Docket No.: 88265-68601

**RESPONSE TO NOTICE TO FILE
MISSING PARTS OF NONPROVISIONAL APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application (hereafter "the Notice") mailed May 14, 2004, Applicant submits herewith the following:

- 1) Declaration by Assignee;
- 2) Petition to File Application on Behalf of Deceased Inventor under 37 C.F.R. § 1.42 and § 1.47(b), including last known address of the deceased inventor's legal representative and a showing of the need to file application to preserve the rights of the party or to prevent irreparable damage;
- 3) Statement of Facts and documentary evidence in support of the Petition;
- 4) Statement Under 37 C.F.R. § 3.73(b);
- 5) Statement Showing Proprietary Interest Under MPEP § 409.03;
- 6) Copy of the Employment Agreement of the deceased inventor with Nestec S.A.;
- 7) A fee of \$2,420, including a late declaration surcharge of \$130, a petition fee of \$130 under 37 C.F.R. § 1.17(h), and a petition fee of \$2,160 for extension of time for response within the fifth month; and
- 8) A copy of the Notice.

Please charge the required fees to Winston & Strawn LLP Deposit Account No. 50-1814.

12/14/04

Date

Respectfully submitted,

Allan A. Fanucci

(Reg. No. 30,256)

WINSTON & STRAWN LLP
Customer No. 28765
(212) 294-3311


 12 - 16 - 04
 UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/784,034	02/20/2004	Jean Servaux	88265-68601

CONFIRMATION NO. 1732

FORMALITIES LETTER



OC000000012673311

 28765
 WINSTON & STRAWN
 PATENT DEPARTMENT
 1400 L STREET, N.W.
 WASHINGTON, DC 20005-3502

Date Mailed: 05/14/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:Total additional fee(s) required for this application is **\$130** for a Large Entity

- \$130 Late oath or declaration Surcharge.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Proof of authority of the legal representative under 37 CFR 1.44.

 Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents

12/20/2004 HNGUYEN1 00000001 501814 10784034 P.O. Box 1450

01 FC:1051 130.00 DA

Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

M-WAIVE

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE